



General Assembly

January Session, 2011

Amendment

LCO No. 7089

HB0665007089HR0

Offered by:

REP. LABRIOLA, 131st Dist.

REP. KLARIDES, 114th Dist.

REP. REBIMBAS, 70th Dist.

To: House Bill No. 6650

File No.

Cal. No.

**"AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET
CONCERNING THE JUDICIAL BRANCH, CHILD PROTECTION,
CRIMINAL JUSTICE, WEIGH STATIONS AND CERTAIN STATE
AGENCY CONSOLIDATIONS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (g) of section 14-227a of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective July*
5 *1, 2011*):

6 (g) Any person who violates any provision of subsection (a) of this
7 section shall: (1) For conviction of a first violation, (A) be fined not less
8 than five hundred dollars or more than one thousand dollars, and (B)
9 be (i) imprisoned not more than six months, forty-eight consecutive
10 hours of which may not be suspended or reduced in any manner, or
11 (ii) imprisoned not more than six months, with the execution of such

12 sentence of imprisonment suspended entirely and a period of
13 probation imposed requiring as a condition of such probation that
14 such person perform one hundred hours of community service, as
15 defined in section 14-227e, and (C) (i) have such person's motor vehicle
16 operator's license or nonresident operating privilege suspended for
17 one year, or (ii) have such person's motor vehicle operator's license or
18 nonresident operating privilege suspended for three months and be
19 prohibited for the nine-month period following completion of such
20 period of suspension from operating a motor vehicle unless such
21 motor vehicle is equipped with a functioning, approved ignition
22 interlock device, as defined in section 14-227j; (2) for conviction of a
23 second violation within ten years after a prior conviction for the same
24 offense, (A) be fined not less than one thousand dollars or more than
25 four thousand dollars, (B) be imprisoned not more than two years, one
26 hundred twenty consecutive days of which may not be suspended or
27 reduced in any manner, and sentenced to a period of probation
28 requiring as a condition of such probation that such person perform
29 one hundred hours of community service, as defined in section 14-
30 227e, and (C) (i) if such person is under twenty-one years of age at the
31 time of the offense, have such person's motor vehicle operator's license
32 or nonresident operating privilege suspended for three years or until
33 the date of such person's twenty-first birthday, whichever is longer,
34 and be prohibited for the two-year period following completion of
35 such period of suspension from operating a motor vehicle unless such
36 motor vehicle is equipped with a functioning, approved ignition
37 interlock device, as defined in section 14-227j, or (ii) if such person is
38 twenty-one years of age or older at the time of the offense, have such
39 person's motor vehicle operator's license or nonresident operating
40 privilege suspended for one year and be prohibited for the two-year
41 period following completion of such period of suspension from
42 operating a motor vehicle unless such motor vehicle is equipped with
43 a functioning, approved ignition interlock device, as defined in section
44 14-227j; and (3) for conviction of a third and subsequent violation
45 within ten years after a prior conviction for the same offense, (A) be
46 fined not less than two thousand dollars or more than eight thousand

dollars, (B) be imprisoned not more than three years, one year of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person perform one hundred hours of community service, as defined in section 14-227e, and (C) have such person's motor vehicle operator's license or nonresident operating privilege permanently revoked upon such third offense. For purposes of the imposition of penalties for a second or third and subsequent offense pursuant to this subsection, a conviction under the provisions of subsection (a) of this section in effect on October 1, 1981, or as amended thereafter, a conviction under the provisions of either subdivision (1) or (2) of subsection (a) of this section, a conviction under the provisions of section 53a-56b or 53a-60d or a conviction in any other state of any offense the essential elements of which are determined by the court to be substantially the same as subdivision (1) or (2) of subsection (a) of this section or section 53a-56b or 53a-60d, shall constitute a prior conviction for the same offense.

Sec. 502. Subsection (i) of section 14-227a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(i) (1) The Commissioner of Motor Vehicles shall permit a person whose license has been suspended in accordance with the provisions of subparagraph (C)(ii) of subdivision (1) or subparagraph (C)(i) or (C)(ii) of subdivision (2) of subsection (g) of this section to operate a motor vehicle if (A) such person has served the suspension required under said subparagraph, [(C)(i) or (C)(ii),] and (B) such person has installed an approved ignition interlock device in each motor vehicle owned or to be operated by such person. Except as provided in sections 53a-56b and 53a-60d, no person whose license is suspended by the commissioner for any other reason shall be eligible to operate a motor vehicle equipped with an approved ignition interlock device. (2) All costs of installing and maintaining an ignition interlock device shall be borne by the person required to install such device. (3) The commissioner shall adopt regulations, in accordance with the

81 provisions of chapter 54, to implement the provisions of this
82 subsection. The regulations shall establish procedures for the approval
83 of ignition interlock devices, for the proper calibration and
84 maintenance of such devices and for the installation of such devices by
85 any firm approved and authorized by the commissioner. (4) The
86 provisions of this subsection shall not be construed to authorize the
87 continued operation of a motor vehicle equipped with an ignition
88 interlock device by any person whose operator's license or nonresident
89 operating privilege is withdrawn, suspended or revoked for any other
90 reason. (5) The provisions of this subsection shall apply to any person
91 whose license has been suspended in accordance with the provisions
92 of subparagraph (C)(i) or (C)(ii) of subdivision (2) of subsection (g) of
93 this section on or after September 1, 2003, or subparagraph (C)(ii) of
94 subdivision (1) of subsection (g) of this section on or after July 1, 2011.
95 (6) Whenever a person is permitted by the commissioner under this
96 subsection to operate a motor vehicle if such person has installed an
97 approved ignition interlock device in each motor vehicle owned or to
98 be operated by such person, the commissioner shall indicate in the
99 electronic record maintained by the commissioner pertaining to such
100 person's operator's license or driving history that such person is
101 restricted to operating a motor vehicle that is equipped with an
102 ignition interlock device and the duration of such restriction, and shall
103 ensure that such electronic record is accessible by law enforcement
104 officers. Any such person shall pay the commissioner a fee of one
105 hundred dollars prior to the installation of such device. (7) There is
106 established the ignition interlock administration account which shall
107 be a separate, nonlapsing account in the General Fund. The
108 commissioner shall deposit all fees paid pursuant to subdivision (6) of
109 this subsection in the account. Funds in the account may be used by
110 the commissioner for the administration of this subsection."